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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,954	10/29/2003	Neil Millani	2002-019	8494
54472 7590 10/27/2008 COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27518				
EXAMINER				
DABNEY, PHYLESHA LARVINIA				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
10/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/696,954	Applicant(s) MLLANI, NEIL
Examiner PHYLESHEA DABNEY	Art Unit 2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

Continuation of 11, does NOT place the application in condition for allowance because:

With respect to the Applicant's argument that the auxiliary system plug is integrally formed with the cord, the Examiner disagrees.

In Brief, the term "integral" means an array of individual elements and parts forming and working as a unit.

In the instance of Hsin, the auxiliary system connector (20 as related to 22; 10) forms a working unit with the cord (15) by creating a complete connection between the peripheral device and the wireless communication device. Without the cord the auxiliary system connection would not function to provide power to the wireless device, thus it is essential to the functionality of the invention of Hsin. In addition, since Hsin teaches there is a first switch state (wherein the second peripheral device [70, 22-23] is off) and a second switch state (wherein the second peripheral device [70, 22-23] is on and the portable device [50] is on), then the Examiner contends that the selectively switching between the wireless communication device and the peripheral accessory devices is met. Therefore, the rejection is maintained.

In the instance of Sadler, the auxiliary system connector (52 and/or 100) forms a working unit with the cord (86, 92; line associated with data port; line associated with CD player) by creating a complete connection between the peripheral device and the wireless communication device. Without the cord the auxiliary system connection would not function to provide hands free functionality to the wireless device, thus it is essential to the functionality of the invention of Sadler. In addition as clearly shown in the figures, Sadler teaches the connector (52 and/or 100) positioned along the cord (86, 92; line associated with data port; line associated with CD player) between the system plug (56, 122) and a peripheral device.

Further still, the terms "integrally formed" are typically used to refer to molds, etc.. For example, a plastic hook being molded to a body could be interpreted as a plastic hook is integrally formed with a body. However, the Applicant is referencing a system plug (electrically plug) as being integrally formed with the auxiliary system, at best, the electrically wiring within the cord sheath is attached in some manner, which would not include molding or the like, to a circuit board located inside the auxiliary connector. As shown above, the references supplied form an electrical attachment.

Therefore, the rejection is maintained.

If the Applicant contends that his invention is integrally formed, please provide drawings, schematics, etc., specifically pointing out how his system supports an integrally formed structure different from how electrically circuitry is typically attached.